

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERGON, INC. and ERGON ASPHALT &  
EMULSIONS, INC.,

Plaintiffs,

- against -

NEW YORK MARINE AND GENERAL  
INSURANCE COMPANY, and PROSIGHT  
SPECIALTY MANAGEMENT COMPANY,  
INC., f/k/a MUTUAL MARINE OFFICE,  
INC. and MUTUAL MARINE OFFICE OF  
THE MIDWEST, INC.,

Defendants.

No. 1:11-cv-01080-LTS

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

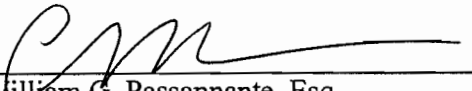
Pursuant to Federal Rule of Civil Procedure 41(a)(1), it is hereby stipulated and agreed by and between the undersigned attorneys for the parties in the above-captioned action (the "Action") that the Action is hereby dismissed without prejudice, with each party to bear its own costs and attorneys' fees.

It is further stipulated and agreed by and between the undersigned attorneys for the parties in the Action that any future claims concerning insurance coverage for *Quick v. BP Products North America et al.*, Case No. 0916-CV01903 (Cir. Ct. Jackson County, MO, filed Jan. 27, 2009) asserted between the parties named in the Action are to be brought in the United

States District Court for the Southern District of New York.

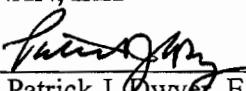
Dated: August 12, 2011

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